

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI  
JACKSON DIVISION**

**ELLA O. MATHIS O/B/O  
WILLIAM L MATHIS**

**PLAINTIFF**

**V.**

**CIVIL ACTION NO. 3:08-CV-00386-HTW-LRA**

**MICHAEL J. ASTRUE  
Commissioner of Social Security**

**DEFENDANT**

**AGREED ORDER**

Pursuant to the power of this Court to enter a judgment affirming, modifying or reversing the Commissioner's decision with remand in Social Security actions under sentence four of section 205(g) of the Social Security Act, 42 U.S.C. § 405(g), and in light of the government's request to remand this action for further development of the record by an administrative law judge ("ALJ"),

IT IS HEREBY ORDERED that, upon remand, the Appeals Council will instruct the ALJ to: (1) obtain vocational expert testimony in response to a hypothetical that accurately reflects all of the limitations ultimately assessed; and, (2) resolve any discrepancies between the testimony of the vocational expert and the Dictionary of Occupational Titles, in accordance with Social Security Ruling 00-4p.

Therefore, this Court hereby reverses the Commissioner's decision under sentence four of 42 U.S.C. § 405(g) with a remand of the cause to the Commissioner for further proceedings. See Melkonyan v. Sullivan, 501 U.S. 89 (1991).

SO ORDERED this 29<sup>th</sup> day of September, 2009.

**s/ HENRY T. WINGATE**  
**CHIEF UNITED STATES DISTRICT JUDGE**

**SUBMITTED BY:**

**AGREED:**

s/David N. Usry  
DAVID N. USRY  
Assistant United States Attorney  
Mississippi Bar No. 6014

s/Elizabeth Bower Dunlap  
ELIZABETH BOWER DUNLAP  
Attorney for Plaintiff  
State Bar No. 06233020  
MS Bar No. 102469

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Agreed Order of Remand to the Commissioner